

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, January 22, 2013

8:30 a.m.

County Board Room – 3rd Floor – Courthouse

M I N U T E S

The Clay County Board of Commissioners met in regular session with all Commissioners present: Campbell, Evert, Gross, Ingersoll and Weyland. County Administrator Brian C. Berg, Chief Assistant County Attorney Jenny Samarzja, and Senior Administrative Assistant Vicki Reek were also present.

APPROVAL OF AGENDA

On motion by Weyland, seconded by Campbell, and unanimously carried, the agenda was approved with the addition of: Approval to advertise for County Road 94 Bridge Replacement.

APPROVAL TO ACCEPT \$500 DONATION FROM SABIN LIONS CLUB FOR
CLAY COUNTY WORK DETAIL

By consent agenda, the Board accepted a \$500 donation from the Sabin Lions Club for the Clay County Work Detail.

APPOINTMENT TO HOUSING & REDEVELOPMENT AUTHORITY
BOARD OF COMMISSIONERS

By consent agenda, Mr. Les Bakke was appointed to a five year term on the Clay County Housing & Redevelopment Authority (HRA) Board of Commissioners, as recommended by the HRA Board, replacing retiring Board member Barbara Sipson.

CITIZENS TO BE HEARD

There were no citizens present who wished to address the Board.

APPROVAL TO SOLICIT BIDS FOR ROOF REPLACEMENT PROJECT AT MOTOR VEHICLE
DEPARTMENT SITE AS PART OF CAPITAL IMPROVEMENT PLAN

Building Maintenance Director Robbie Norman was present to request authorization to solicit bids for the roof replacement project at the Motor Vehicle Department site. This project was included in the Capital Improvement Plan and includes the office building, and the storage bays to the North.

On motion by Weyland, seconded by Evert, and unanimously carried, the Board authorized advertisement for bids for the roof replacement project at the Motor Vehicle Department site.

APPROVAL TO OFFER FOR SALE A NON-ECONOMIC REMNANT ALONG THE BURLINGTON
NORTHERN SANTA FE RAILROAD IN KRAGNES TOWNSHIP

Assistant County Engineer Nathan Gannon explained that a 4.67 acre parcel in Section 5, Kragnes Township, has been in County ownership for years. The parcel consists of a mile long 50' wide strip of former highway right-of-way. Minnesota Statute 373.01

Subd. 1(h) allows for the County to sell nonconforming real property to adjacent landowners without advertising for bids provided certain conditions are met. The Clay County Attorney's Office has verified that this parcel meets these requirements. The two adjacent landowners, Thomas Odegaard and Burlington Northern Santa Fe (BNSF) Railroad, have been contacted for their interest in acquiring the property. BNSF is removing the line in this area and is not interested in purchasing the property. Mr. Odegaard is interested in purchasing the property as it is adjacent to his farmland and he has been farming it for years. The County Assessor's Office has determined the current highest and best use of the property as agricultural and established a sale price of \$3500/acre (total \$16,300).

On motion by Evert, seconded by Campbell, and unanimously carried, the Board approved the valuation of the 4.67 acres at \$16,300 and agreed to sell the parcel to Mr. Thomas Odegaard, adjacent property owner.

APPROVE FINAL COST SPLIT FOR LAW ENFORCEMENT CENTER PAVING PROJECT

Assistant County Engineer Nathan Gannon requested the Board's approval to invoice the City of Moorhead \$28,000.00 for their share of the project costs for the Law Enforcement Center paving project. The County's labor, equipment and advertising costs will be waived due to a miscommunication concerning project overruns.

On motion by Gross, seconded by Evert, and unanimously carried, the Board agreed to invoice the City of Moorhead \$28,000 for their share of project costs for the Law Enforcement Center paving project.

APPROVAL OF FINAL CONTRACT VOUCHER FOR 2012 CULVERT CONTRACT WITH LANDWEHR CONSTRUCTION OF ST. CLOUD, MN

Assistant County Engineer Nathan Gannon requested the Board's approval of the final contract voucher for the 2012 box culvert projects completed by Landwehr Construction, totaling \$603,120.94. The original contract for the four projects (SAP 14-611-51, SAP 14-652-12, SAP 14-607-08, and SAP 14-598-25) totaled \$644,255.04.

On motion by Weyland, seconded by Gross, and unanimously carried, the Board approved the final contract voucher for Landwehr Construction's work on four box culvert projects in the amount of \$603,120.94.

APPROVAL OF JOINT POWERS AGREEMENT FOR FEDERAL SAFETY GRANT – HIGHWAY SAFETY IMPROVEMENT PROGRAM

Assistant County Engineer Nathan Gannon requested the Board's authorization to execute a Joint Powers Agreement and adopt a Resolution to jointly apply for Federal Safety Grant funds through the Highway Safety Improvement Program with three other counties in MnDOT District 4 (Becker, Douglas and Otter Tail). Rather than compete against each other, the four counties have decided to conduct a joint project and share the funds to complete safety improvements in the counties.

On motion by Evert, seconded by Gross, and unanimously carried, the Board authorized execution of the above mentioned Joint Powers Agreement and adopted the following Resolution:

RESOLUTION 2013-6

**Joint Powers Agreement for the Administration of Federal HSIP Safety Grant
Project No. S.P. 088-070-034**

IT IS RESOLVED that the Clay County Board of Commissioners enter into a Joint Powers agreement with the Four Mn/DOT District 4 counties of Becker, Clay, Douglas and Otter Tail, for the following purpose:

Define the rights and obligations of each county for the delivery of project S.P. 088-070-034, a district wide federal highway safety project that will provide safety improvements in the form of Chevrons, Rumble Strips, Rumble Stripes and Ground-In Wet Reflective Paint on selected eligible highway routes.

BE IT FURTHER RESOLVED that the proper County officers be and hereby are authorized to execute such agreement and any amendments, and thereby assume for and on behalf of the County all of the obligations contained therein.

APPROVAL TO ADVERTISE FOR COUNTY ROAD 94 BRIDGE REPLACEMENT

On motion by Weyland, seconded by Campbell, and unanimously carried, the Board authorized advertisement for bids for a County Road 94 bridge replacement project over the Buffalo River, to be opened February 26, 2013, 10:00 a.m.

**ADOPT RESOLUTION SEEKING A PROCESS FOR MAKING COUNTY AUDITOR-TREASURER
POSITION AND COUNTY RECORDER POSITION APPOINTIVE IN CLAY COUNTY**

County Administrator Brian Berg reminded the Board that in 2012, legislation was introduced to make the Clay County Auditor-Treasurer position appointed. The proposal was heard in the Senate, however the session ended before the bill could be heard in the House. Mr. Berg advised that County Recorder Bonnie Rehder has agreed that in the best interest of the County, the Recorder position should be appointed as well. Mr. Berg presented a resolution for the Board's approval seeking a process to make the County Auditor-Treasurer and County Recorder positions appointive, to be presented to local legislators for consideration.

On motion by Weyland, seconded by Campbell, and unanimously carried, the following resolution was adopted:

RESOLUTION 2013-7

WHEREAS, the Clay County Board of Commissioners has discussed and has been exploring the option of making the Clay County Auditor-Treasurer and Clay County Recorder positions appointed;

WHEREAS, Minnesota Statutes 375A.10, subdivision 2(a) provides that Clay County may exercise the option of having the County Auditor-Treasurer and County Recorder appointed positions;

WHEREAS, the Clay County Board of Commissioners recognizes that there is a benefit to having appointed persons in the positions of County Auditor-Treasurer and County Recorder as it promotes the efficient conduct of County business without the threat of interruption by the election of individuals otherwise not qualified to deal with the broad spectrum of complex issues that the County Auditor-Treasurer and County Recorder are faced with;

NOW, THEREFORE, BE IT RESOLVED, that the Clay County Board of Commissioners wishes to pursue a Bill for an Act providing a process for making the County Auditor-Treasurer position and County Recorder position appointive in Clay County.

APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH BECKER COUNTY
COMMUNITY HEALTH FOR NURSING ASSISTANCE

Public Health Administrator Kathy McKay requested the Board's approval of a Memorandum of Understanding with Becker County Community Health for temporary assistance with personal care assistant assessments. The term of the agreement is January 15, 2013 to March 15, 2013.

On motion by Weyland, seconded by Campbell, and unanimously carried, the Board authorized execution of a Memorandum of Understanding with Becker County Community Health for Nursing assistance for the period January 15, 2013 – March 15, 2013.

REQUEST APPROVAL TO REPLACE ADMINISTRATIVE SUPPORT POSITION
IN PUBLIC HEALTH DEPARTMENT

On motion by Evert, seconded by Campbell, and unanimously carried, the Board approved filling an Administrative Support position which is vacant in Public Health.

Public Health Administrator Kathy McKay also requested an increase from .8 FTE to 1.0 FTE for an Administrative Support position in Public Health to help manage work flow with various projects.

On motion by Campbell, seconded by Evert, and unanimously carried, the Board approved adding .2 FTE to an existing .8 FTE Administrative Support position in Public Health.

APPROVAL OF BILLS AND VOUCHERS

On motion by Weyland, seconded by Gross, and unanimously carried, the bills and vouchers were approved for payment.

COMMITTEE REPORTS/COUNTY ADMINISTRATOR UPDATE

Commissioner Campbell attended meetings of FM Metro Flood Diversion Authority.

Commissioner Gross attended meetings of F-M Metro Council of Governments, the Metro COG River Corridor Study Report, and Family HealthCare Center.

Commissioner Evert attended meetings of the Metro COG River Corridor Study Report, Planning Commission, Extension Awards Committee, Local Foods/Public Health, Historical and Cultural Society, and AMC Board of Directors.

Commissioner Weyland attended the Greater FM Economic Development Corporation meeting and the Heartland Trail meeting.

Commissioner Ingersoll attended meetings of the Adult Mental Health Local Advisory Council and Lake Agassiz Regional Library.

County Administrator Brian Berg informed the Board that the recarpeting/painting in the County Extension office has been completed. He added that the list of improvements on the Capital Improvement Plan will be prioritized again to assure appropriate use of the Capital Improvement Funds which remain (approximately \$500,000).

Mr. Berg has conducted evaluations, been involved with an arbitration, attended the State of the Cities Address, attended a Metro Flood Diversion Administration meeting, and plans to attend the Red River Basin Conference in Grand Forks January 22-24.

The Legislative Breakfast has been confirmed for 8:30 a.m. on Saturday, February 2nd at the Fryn' Pan, Easten, Moorhead.

County Engineer Dave Overbo has offered assistance to the Becker County Engineer's office due to the resignation of Becker's Highway Engineer.

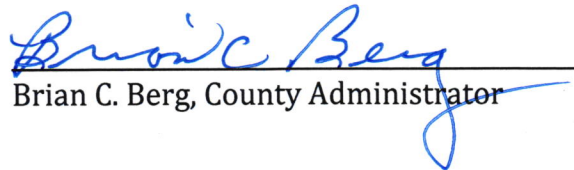
On motion by Weyland, seconded by Campbell, and unanimously carried, the Board approved out of state travel for Commissioner Evert to attend the NACo Legislative Conference in Washington, DC in March, with the appropriate expenses to be paid.

ADJOURN

The meeting adjourned at 9:35 a.m.



Wayne Ingersoll, Chair
Clay County Board of Commissioners



Brian C. Berg, County Administrator